

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BRIAN FRANK GUERRY,

Plaintiff,

vs.

SCOTT FRAKES, Director; BRIAN  
GAGE, Warden; GUIFFRE, Case  
Worker; and THOMPSON, Case  
Worker;

Defendants.

**8:15CV323**

**MEMORANDUM  
AND ORDER**

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BRIAN FRANK GUERRY,

Plaintiff,

vs.

SCOTT FRAKES, in his individual  
capacity; FRANK HOPKINS, in his  
individual capacity; BRIAN GAGE, in  
his individual capacity; et al.,

Defendants.

**4:17CV3047**

**MEMORANDUM  
AND ORDER**

This matter is before the court on case management. On October 3, 2017, all of the defendants, excluding Andrew King, filed an Answer in Case No. 4:17CV3047 ([Filing No. 40](#)) and moved for summary judgment in these

consolidated cases ([Filing No. 88](#), Case No. 8:15CV323; [Filing No. 41](#), Case No. 4:17CV3047). On September 14, 2017, the Marshals Office served the summons on Andrew King. Because the summons is sealed, Mr. David A. Lopez and the Nebraska Attorney General's Office – counsel for all of the other defendants - may be unaware that Andrew King was served.

IT IS THEREFORE ORDERED that:

1. Mr. Lopez shall advise the court if the Nebraska Attorney General's Office also represents Andrew King, and if so, shall file a responsive pleading on his behalf no later than **October 12, 2017**, so that the court may enter a progression order. Mr. Lopez shall also inform the court as to whether the pending summary judgment motion is filed on behalf of Andrew King. Defendants' pending summary judgment motion will not be addressed until after the progression order is issued and Plaintiff Brian Frank Guerry is given time to respond.

2. The clerk's office is directed to set a pro se case management deadline using the following text: **October 12, 2017**: check for responsive pleading for King.

Dated this 5th day of October, 2017.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge